

WILLKIE FARR & GALLAGHER LLP

1875 K Street, N.W.
Washington, DC 20006-1238

Tel: 202 303 1000
Fax: 202 303 2000

January 27, 2025

VIA ECF

The Honorable Lewis J. Liman
United States District Court
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl St.
New York, NY 10007

Re: *Lively v. Wayfarer Studios LLC et al.*, No. 1:24-cv-10049-LJL (“Lively Case”); *Wayfarer Studios LLC et al. v. Lively et al.*, No. 1:25-cv-00449-LJL (“Wayfarer Case”)

Dear Judge Liman,

We write on behalf of Plaintiff Blake Lively in the Lively Case and Defendants Blake Lively and Ryan Reynolds in the Wayfarer Case (together, the “Lively-Reynolds Parties”), to bring to the Court’s attention Mr. Bryan Freedman’s continued extrajudicial misconduct and to request a conference at the Court’s earliest convenience to address the Lively-Reynolds Parties’ growing concerns regarding Mr. Freedman’s behavior.

On Saturday, January 25, 2025—in direct response to filings from the Lively-Reynolds Parties to this Court regarding Mr. Freedman’s recent prejudicial extrajudicial behavior¹—Mr. Freedman issued additional inflammatory content to tabloid media outlets that contains multiple false and defamatory statements and character attacks against Ms. Lively. Those statements include, *inter alia*: (1) that Ms. Lively filed her California Civil Rights Department Complaint (subsequently filed in this Court), which was reported by the *New York Times*, with the “sole intent to ruin the lives of innocent individuals and then went the extra mile to place blame on a fictitious smear campaign,” and (2) that Ms. Lively’s sexual harassment and retaliation Complaint has “devastat[ed] the entirety of the domestic violence community.”² Mr. Freedman also falsely asserted that the Lively-Reynolds parties had raised concerns about his unethical and unprofessional behavior only because Ms. Lively is fearful of the truth.³

¹ See Lively Case, ECF Nos. 17, 38 (Jan. 21, 2025); Wayfarer Case, ECF Nos. 29, 39 (Jan. 25, 2025).

² See BreAnna Bell, *Justin Baldoni's lawyer says he won't be 'bullied' into silence by 'petrified' Blake Lively, Ryan Reynolds after gag order request*, Page Six (Jan. 25, 2025, 4:45 PM), <https://pagesix.com/2025/01/25/celebrity-news/justin-baldonis-lawyer-says-he-wont-be-bullied-into-silence-by-petrified-blake-lively-ryan-reynolds-after-gag-order-request/>.

³ See *id.*; see also *Justin Baldoni's Lawyer: Blake's A Scared Bully, And She Won't Silence Us . . . We Want The Truth Public!!!*, TMZ (Jan. 25, 2025, 12:35 PM), <https://www.tmz.com/2025/01/25/justin-baldoni-not-bullied-into-silence-blake-lively-lawyer-says/#continued>.

Hon. Lewis J. Liman
January 27, 2025

Mr. Freedman has made it apparent that he is engaging in this extrajudicial campaign to influence these proceedings and the public perception of legal filings to this Court, and there already is a serious risk that his misconduct is tainting the jury pool. *See N.Y. Rules of Pro. Conduct 3.6(a)*. He further has made it clear that his priority is to “torpedo Blake Lively’s career for good”⁴ by, among other things, creating a website to release strategically selected documents and communications between Ms. Lively and Mr. Baldoni. The planned website will release what Mr. Freedman self-servingly proclaims will be “full unedited WhatsApp, text and email exchanges between Lively and Baldoni,” although neither the media nor public will have any way of knowing which communications Mr. Freedman has selectively omitted from disclosure, including communications that Mr. Freedman and his clients may have deleted.⁵ This website presumably also will not include communications that Mr. Freedman and his clients have had with their hand-selected media outlets and social media influencers during the past month, including certain of his current or former media and social media clients, who either have hosted Mr. Freedman on air or parroted his narrative online.⁶ Any such website, therefore, will be incomplete, biased, and prejudicial by design.

Mr. Freedman’s most recent statements, which are designed to leverage non-judicial channels to rebut filings made in this Court, are not just improper under Rule 3.6—they are actionable defamation. Mr. Freedman is entitled, of course, to defend his client, but the law does not privilege the publication of knowingly false statements about Ms. Lively (or any other third party) to the press. That is precisely what he did this weekend. Mr. Freedman’s repeated media attacks of a victim of sexual harassment engaging in a protected activity and his weaponization of media outlets to broadly disseminate these false, defamatory, and misleading statements,⁷ have the potential to prejudice a jury pool beyond repair. This conduct especially is troubling here, where Ms. Lively’s Complaint alleges, with concrete evidence in the Wayfarer Defendants’ own words, that Ms. Lively suffered retaliation in the form of a coordinated

⁴ See Alison Boshoff, *Justin Baldoni's trove of WhatsApps and videos he believes will torpedo Blake Lively's career for good: The unedited footage, full exchanges and 'pumping' message revealed by ALISON BOSHOFF*, Dailymail.com (Jan. 24, 2025, 7:43 AM), <https://www.dailymail.co.uk/tvshowbiz/article-14322393/Justin-Baldoni-WhatsApp-videos-Blake-Lively-ALISON-BOSHOFF.html>.

⁵ See *id.*; see also Jack Smart, *Justin Baldoni Plans to Launch Website ‘Containing All Correspondence’ with Blake Lively to ‘Quash Her Claims’*, People (Jan. 21, 2025, 3:50 PM), <https://people.com/justin-baldoni-launch-website-correspondenceblake-lively-8777985>; see also Rovelyn Barba, *Justin Baldoni’s Team Reportedly Created a Website That Will Include Alleged Original Text Messages*, ENSTARZ (Jan. 21, 2025, 2:51 AM), <https://www.enstarz.com/articles/238635/20250120/justin-baldonis-teamreportedly-created-website-that-will-include-alleged-original-text-messages.htm>.

⁶ See, e.g., Megyn Kelly, *Megyn Kelly Reveals Exclusive Interview With Lawyer Bryan Freedman on Justin Baldoni & Blake Lively*, The Megyn Kelly Show (Jan. 6, 2025), <https://www.youtube.com/watch?v=QSxMXvI32X4>; Megyn Kelly, *New Details About Publicists in PR War Between Blake Lively and Justin Baldoni, with Bryan Freedman*, The Megyn Kelly Show (Jan. 7, 2025), <https://www.youtube.com/watch?v=5t6xWWt65X>; Megyn Kelly, *Megyn Kelly Breaks Down Major New Video Adding Context to Blake Lively and Justin Baldoni Lawsuits*, The Megyn Kelly Show (Jan. 22, 2025), <https://www.youtube.com/watch?v=Lsf5TykgKFE>; Megyn Kelly, *Megyn Kelly Breaks Down A New Video That Adds Context to the Blake Lively - Justin Baldoni Legal Drama*, The Megyn Kelly Show (Jan. 22, 2025), <https://www.megynkelly.com/2025/01/22/megyn-kelly-breaks-down-new-raw-footage-from-lively-baldoni-lawsuit/>; Gary Baum, *What’s Behind Right-Wing Support for “Male Feminist” Justin Baldoni: The ‘It Ends With Us’ Director and Star shares a powerful attorney with some of his key newfound backers in conservative media*, The Hollywood Reporter (Jan. 24, 2025, 12:36 PM) <https://www.hollywoodreporter.com/business/business-news/justin-baldoni-blake-lively-bryan-freedman-right-wing-support-it-ends-with-us-1236117388/>.

⁷ As Mr. Freedman surely knows, media outlets that publish false or defamatory statements can separately be liable.

Hon. Lewis J. Liman
January 27, 2025

online and media smear campaign at the hands of Mr. Freedman's clients—a campaign as to which Mr. Freedman and his firm have now taken full ownership. Coming, as it does, on the heels of his \$400 million lawsuit designed to sue the Lively-Reynolds parties “into oblivion,” this conduct reflects an effort to silence and intimidate the numerous potential witnesses who have firsthand knowledge of Wayfarer’s misconduct, as well as a blatant, brazen violation of Rule 3.6.

We regret that it is necessary to address Ms. Freedman’s misleading efforts to spin Ms. Lively’s present request—that Mr. Freedman and his partners follow the Rules of Professional Conduct—as a request to “gag” the Wayfarer Parties because Ms. Lively is “petrified” of the evidence. *See supra* n.2. That claim is designed to impugn Ms. Lively’s character, and thus is yet another violation of Rule 3.6. What is more, Mr. Freedman’s accusation is incoherent: Ms. Lively initiated her lawsuit intending that the evidence relating to this case will come to light through discovery, knowing that the Wayfarer Parties would have every opportunity not just to seek discovery from her, but also to defend themselves with any and all text messages, chats, or other documents that they believe proves their defenses. Moreover, what Mr. Freedman’s communications ignore—and likely are designed to obscure—is that Ms. Lively is in possession of numerous additional communications relating to her claims against the Wayfarer Parties. If Mr. Freedman’s conduct is permitted, it will only result in an arms race of selective public disclosures of text messages to the media—that is neither encouraged, nor permitted, by Rule 3.6 or the federal rules. The Wayfarer Parties initiated their own claims in multiple lawsuits against multiple parties, and in doing so, had a full and unencumbered opportunity to include in their pleadings any and all text messages or other context they believed supported their claims.

When the Wayfarer Parties consented to jurisdiction in this Court, including by filing their own affirmative claims, they agreed that this dispute would be resolved under the Federal Rules of Civil Procedure and applicable Rules of Professional Conduct. Those rules are crystal clear: once a party is in litigation in a pending matter, it is unethical and improper for an attorney to use the press to attack the character of an opposing party or witness, including by releasing evidence that is subject to discovery. Not only has Mr. Freedman admitted that to be his objective, he also has now announced that *he will continue* violating Rule 3.6. *See supra* n.2–3. Further, he has caveated his claimed “respect for the court” with a defiance of its rules, falsely suggesting that requiring compliance is akin to “bully[ing]” his clients out of a defense. *See supra* n.2.

The endless stream of defamatory and extrajudicial media statements must end. It will not stop without this Court’s intervention. The Wayfarer Defendants’ efforts are being financed by a billionaire who has pledged to spend \$100 million to ruin the lives of Ms. Lively and her family. *See Lively Case*, ECF No. 1 ¶ 8. Mr. Freedman is using that money, his roster of current and former clients, and a blatant media and social media strategy to assassinate Ms. Lively’s character in advance of trial. Accordingly, the Lively-Reynolds Parties respectfully request a conference at the Court’s earliest convenience to address the concerns raised herein and in the Lively-Reynold Parties’ prior letters.

Respectfully Submitted,

s/ Michael J. Gottlieb

Hon. Lewis J. Liman
January 27, 2025

WILLKIE FARR & GALLAGHER LLP
Michael J. Gottlieb
Kristin E. Bender
Willkie Farr & Gallagher
1875 K Street NW
Washington, DC 20006
(202) 303-1000
mgottlieb@willkie.com
kbender@willkie.com

MANATT, PHELPS & PHILLIPS, LLP
Esra A. Hudson (*pro hac vice*)
Stephanie A. Roeser (*pro hac vice*)
Manatt, Phelps & Phillips LLP
2049 Century Park East, Suite 1700
Los Angeles, California 90067
(310) 312-4000
ehudson@manatt.com
sroeser@manatt.com

Attorneys for Blake Lively and Ryan Reynolds